

Applicants traverse the restriction requirement. The method claims of Group II are very specific and limited, directed to hermetically sealing an electronic device in a housing without plating the housing or the device and providing the sealed unit with a hydrogen diffusion port to allow for the devolution of hydrogen from the assembly. The Examiner has not provided any reasoning as to why the claims are distinct. Instead, the Examiner has merely presented a conclusion that the process as claimed can be used to make a different product. Although MPEP § 806.05(f) does not require documentation of allegations of different products, the Examiner has not presented or suggested different products, but rather has provided a conclusory statement regarding an undefined different product. MPEP §808, §816 and §817 direct the Examiner, among other things, to provide reasons for the restriction. Mere statements of conclusion, as the Examiner has provided here, are improper under those sections of the MPEP. The Examiner has indicated that the inventions are distinct. Here, applicants submit that they have defined the product in terms of a process by which it is made, which MPEP §806.05(f) indicates is a permissible technique that applicant may use to define the invention.

Applicants request the Examiner to provide examples of different products that can be made by the process as claimed.

CONCLUSION

Applicants provisionally elect claims 1-19. Applicants have traversed the requirements for restriction, requesting that the requirement for restriction be withdrawn and that the claims of Group II be examined with claims 1-19. Applicants submit that they have defined the product in terms of a process by which it is made, which is a permissible technique that applicant may use to define the invention under MPEP §806.05(f).

The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to Deposit Account No. 50-1059.

Respectfully submitted,

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